

To: Flattery, Priscilla[Flattery.Priscilla@epa.gov]; Deitz, Randy[Deitz.Randy@epa.gov]; Thomas, Latosha[Thomas.Latosha@epa.gov]; Gillis, Chris[Gillis.Chris@epa.gov]; Strauss, Linda[Strauss.Linda@epa.gov]; Senn, John[Senn.John@epa.gov]; Loop, Travis[Loop.Travis@epa.gov]
Cc: Cohen, Nancy[Cohen.Nancy@epa.gov]; Hull, George[Hull.George@epa.gov]
From: Davis, Alison
Sent: Wed 1/15/2014 9:34:01 PM
Subject: RE: ACTION - FOR TODAY -NEW YORKER ON COAL REGS

Thank you.

From: Flattery, Priscilla
Sent: Wednesday, January 15, 2014 4:26 PM
To: Davis, Alison; Deitz, Randy; Thomas, Latosha; Gillis, Chris; Strauss, Linda; Senn, John; Loop, Travis
Cc: Cohen, Nancy; Hull, George
Subject: RE: ACTION - FOR TODAY -NEW YORKER ON COAL REGS

See TSCA Responses below. Let us know if you need anything more.

The chemical that was in the spill in W Va was a replacement for diesel in the frothing part for coal processing. Was that a change instigated by the industry, or was it an EPA regulated thing?

(Not TSCA)

Are there other similar changes in the way coal is processed in the 20 years that has made coal processing more environ friendly/less toxic?

(Not TSCA)

I'm interested in regulations that affected coal processing chemicals since the 90s (or 80s, if there's relevant information), especially ones that may have brought MCHM into wider use. I'm also wondering if the Reducing Excessive Deadline Obligations Act would have any affect on MCHM or other coal-processing chemicals.

(Not TSCA)

I'm curious what toxicology is mandated on new industrial chemicals, as opposed to MCHM. I'm also interested in chemicals that have been 'grandfathered' in - what percentage of coal processing chemicals have as little data available as the one that leaked?

TSCA –

- 4-methylcyclohexane was one of more than 60,000 chemicals in commerce when the Toxic Substances Control Act (TSCA) was passed in 1976, which provided EPA with very limited ability to require testing on those existing chemicals to determine if they are safe.
- EPA continues to support much needed legislative reform to ensure that the Agency has updated authority to more effectively assess and regulate potentially harmful chemicals.
- Most chemicals have multiple uses and are used in several business sectors, therefore, it is difficult to determine which of the chemicals on the “grandfathered” list were used for coal processing.
- However, due to the challenging TSCA requirements that EPA must fulfill to compel companies to provide toxicity data needed to address gaps in understanding chemical risks, the agency has only been able to require testing on a little more than 200 of the “grandfathered” chemicals.
- Under EPA’s New Chemical program, TSCA’s New Chemical Review Requirements:
 - Any person who intends to manufacture a chemical substance that is not on the TSCA Inventory must submit a pre-manufacture notification (PMN) to EPA at least 90 days before commencing manufacture/import.
 - PMNs must include information such as specific chemical identity, use, anticipated production volume, exposure and release information, and any test data in the control or possession of the submitter.
 - PMNs are reviewed by EPA to evaluate the health and environmental effects of the chemical substance, the exposures that may occur for the intended use(s) of the substance, and the health and environmental risks.
 - If EPA determines that the chemical may pose a concern, EPA can require the development of test data or take regulatory action to prohibit or limit the manufacture, processing, distribution in commerce, use, and disposal of a new chemical substance.

If there's an expert I could talk to today or tomorrow to give me some background on industrial chemical regulations in general, that would be wonderful, as well.

Priscilla Flattery

Chief of Staff, OPPT

202-564-2718

From: Davis, Alison

Sent: Tuesday, January 14, 2014 3:10 PM

To: Flattery, Priscilla; Deitz, Randy; Thomas, Latosha; Gillis, Chris; Strauss, Linda; Senn, John; Loop, Travis

Cc: Cohen, Nancy; Hull, George

Subject: RE: ACTION - FOR TODAY -NEW YORKER ON COAL REGS

They have standards for coal preparation plants. They are PM standards.

From: Flattery, Priscilla

Sent: Tuesday, January 14, 2014 3:09 PM

To: Davis, Alison; Deitz, Randy; Thomas, Latosha; Gillis, Chris; Strauss, Linda; Senn, John; Loop, Travis

Cc: Cohen, Nancy; Hull, George

Subject: RE: ACTION - FOR TODAY -NEW YORKER ON COAL REGS

OAR should probably also engage on this. I believe they have the lead for emission standards from Coal Processing Facilities. I'm pulling together TSCA points.

Priscilla Flattery

Chief of Staff, OPPT

202-564-2718

From: Davis, Alison

Sent: Tuesday, January 14, 2014 2:59 PM

To: Flattery, Priscilla; Deitz, Randy; Thomas, Latosha; Gillis, Chris; Strauss, Linda; Senn, John; Loop, Travis

Cc: Cohen, Nancy; Hull, George

Subject: RE: ACTION - FOR TODAY -NEW YORKER ON COAL REGS

Thanks!

From: Flattery, Priscilla
Sent: Tuesday, January 14, 2014 2:56 PM
To: Davis, Alison; Deitz, Randy; Thomas, Latosha; Gillis, Chris; Strauss, Linda; Senn, John; Loop, Travis
Cc: Cohen, Nancy; Hull, George
Subject: RE: ACTION - FOR TODAY -NEW YORKER ON COAL REGS

This is helpful. Let me see what we have.

Priscilla Flattery

Chief of Staff, OPPT

202-564-2718

From: Davis, Alison
Sent: Tuesday, January 14, 2014 2:55 PM
To: Flattery, Priscilla; Deitz, Randy; Thomas, Latosha; Gillis, Chris; Strauss, Linda; Senn, John; Loop, Travis
Cc: Cohen, Nancy; Hull, George
Subject: RE: ACTION - FOR TODAY -NEW YORKER ON COAL REGS

We don't have much – this is a narrowed-down inquiry. New Yorker science blogger writing about regulations for coal processing. She originally wanted to write about how requirements have changed over time. This is her original list of questions as an FYI– we told her it was too much to answer today. We have answered previous questions about the chemical that spilled – she is asking about others used in coal processing.

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From: Flattery, Priscilla

Sent: Tuesday, January 14, 2014 1:37 PM

To: Davis, Alison; Deitz, Randy; Thomas, Latosha; Gillis, Chris; Strauss, Linda; Senn, John; Loop, Travis

Cc: Cohen, Nancy; Hull, George

Subject: RE: ACTION - FOR TODAY -NEW YORKER ON COAL REGS

Is there any additional context on these q's

Priscilla Flattery

Chief of Staff, OPPT

202-564-2718

From: Davis, Alison

Sent: Tuesday, January 14, 2014 1:29 PM

To: Deitz, Randy; Thomas, Latosha; Flattery, Priscilla; Gillis, Chris; Strauss, Linda; Senn, John; Loop, Travis

Cc: Cohen, Nancy; Hull, George

Subject: ACTION - FOR TODAY -NEW YORKER ON COAL REGS

All – Please let me know if your offices have anything on these questions, then – if you do – please draft answers for the following.. Deadline COB Today. Thanks.

- What are the regulations affecting coal processing chemicals?
- What toxicology data is required for new chemicals?